



**MINUTES
SCOTTSDALE PLANNING COMMISSION
KIVA – CITY HALL
3939 N. DRINKWATER BOULEVARD
JULY 9, 2003**

PRESENT: David Gulino, Chairman
Steve Steinberg, Vice Chairman
David Barnett, Commissioner
Tony Nelssen, Commissioner
Jeffery Schwartz, Commissioner

ABSENT: James Heitel, Commissioner
Eric Hess, Commissioner

STAFF: Pat Boomsma
Tim Curtis
Randy Grant
Kurt Jones
Phil Kercher
Pete Deeley
Al Ward
Kira Wauwie

CALL TO ORDER

The regular meeting of the Scottsdale Planning Commission was called to order by Chairman Gulino at 5:05 p.m.

ROLL CALL

A formal roll call confirmed members present as stated above.

OPENING STATEMENT

COMMISSIONER SCHWARTZ read the opening statement, which describes the role of the Planning Commission and the procedures used in conducting this meeting.

INITIATION

1. Request to initiate Amendments to the Scottsdale Zoning Ordinance (Ordinance 455) regarding Downtown Signage and Zoning Districts in Downtown.
2. Request to initiate Amendments to the Scottsdale Zoning Ordinance (Ordinance 455) regarding criteria for bars and tattoo parlors.
3. Request to initiate a municipal use master site plan for a Senior Center at 8302 E McDowell Road (former Smitty's site).

MR. GRANT stated the first three items on the agenda are requests for initiation. He provided information on the purpose for the three initiations. The first request is to initiate Amendments to the Scottsdale Zoning Ordinance regarding Downtown Signage and Zoning Districts in Downtown. The second request is to initiate Amendments to the Scottsdale Zoning Ordinance regarding criteria for bars and tattoo parlors. The third is a request to initiate a municipal use master site plan for a Senior Center at the former Smitty's site.

COMMISSIONER SCHWARTZ MOVED TO INITIATE THE FOLLOWING REQUESTS:

1. **INITIATE AMENDMENTS TO THE SCOTTSDALE ZONING ORDINANCE (ORDINANCE 455) REGARDING DOWNTOWN SIGNAGE AND ZONING DISTRICTS IN DOWNTOWN.**
2. **INITIATE AMENDMENTS TO THE SCOTTSDALE ZONING ORDINANCE (ORDINANCE 455) REGARDING CRITERIA FOR BARS AND TATTOO PARLORS.**
3. **INITIATE A MUNICIPAL USE MASTER PLAN FOR A SENIOR CENTER AT 8320 E. MCDOWELL ROAD (FORMER SMITTY'S SITE).**

SECOND BY COMMISSIONER NELSEN.

THE MOTION PASSED BY A VOTE OF FIVE (5) TO ZERO (0).

EXPEDITED AGENDA

7-AB-2003 (Desert Vista Church) request by Desert Vista Church, applicant/owner, to abandon the north 30-foot right-of-way of Parcels 217-12-009D, E, and G, the Desert Vista proposed church site.

MR. DEELEY presented this case as per the project coordination packet. Staff recommends approval, subject to a public trail easement is reserved over the west 15 feet, and the south 15 feet of the entire subject 30 feet right-of-way.

6-ZN-2003 (Jupiter Assets Business Park) request by Tornow Design Associates, applicant, Jupiter Assets, owner, to rezone from Single Family Residential, Planned Community District (R1-35 PCD) to Industrial Park, Planned Community District (I-1

PCD) on a 5 +/- acre parcel located at the northwest corner of 90th Street and Bahia Drive.

MR. JONES stated in the study session Commissioner Nelssen had a question on the GLO easements on the property. He further stated there were GLO easements along the north and west portion of this site that have been abandoned.

MS. WAUWIE presented this case as per the project coordination packet. Staff recommends approval, subject to the attached stipulations.

COMMISSIONER NELSEN stated he would support this request with the added stipulation that the Federal GLO patent easements show up on the future site plan.

VICE CHAIRMAN STEINBERG MOVED TO FORWARD CASE 7-AB-2003 TO THE CITY COUNCIL WITH A RECOMMENDATION FOR APPROVAL WITH THE ADDED STIPULATION THAT THE ABANDONED FEDERAL GLO EASEMENTS BE INDICATED OF THE SITE PLAN.

HE MOVED TO FORWARD CASE 6-ZN-2003 TO THE CITY COUNCIL WITH A RECOMMENDATION FOR APPROVAL.

SECOND BY COMMISSIONER BARNETT.

THE MOTION PASSED BY A VOTE OF FIVE (5) TO ZERO (0).

REGULAR AGENDA

11-UP-2003 (ReinventED) request by James Elson Architect, applicant, BWE 2000 LLC, owner, for a conditional use permit for a Private/Charter school on a 11.9 +/- acre parcel located at 9181 E Bell Road Suite 102 with Industrial Park, Planned Community District (I-1 PCD) zoning.

MR. WARD presented this case as per the project coordination packet. Staff recommends approval, subject to the attached stipulations.

VICE CHAIRMAN STEINBERG inquired about the possible conflicts of using the Ice Den parking aisles to access the drop off from McDowell Mountain heading west on Bell.

JAMES ELSON, applicant, stated there have been a number of discussions regarding what would be the appropriate drop off location. He discussed the list of tenants that are in this location. He remarked his point is that it is zoned industrial but the uses are primarily office.

VICE CHAIRMAN STEINBERG inquired if the development has been developed to allow for 18-wheel traffic. Mr. Elson replied in the affirmative.

Vice Chairman Steinberg stated his big concern is utilizing the Ice Den parking lot for access heading west on Bell. He inquired if there was anyway to eliminate that link and still have the school where it is. Mr. Elson stated they negotiated a cross access

easement with the Ice Den but they were reluctant to sign an agreement granting them access through the parking lot. Part of the use permit will be to modify the median so traffic will be directed off 91st Street. He reviewed the options they have looked at.

Vice Chairman Steinberg stated he could support this application if they delete the stipulation utilizing the cross access through the Ice Den.

PHIL KERCHER, Transportation Department, stated staff had some of the same concerns about access through a commercial parking lot when they first started looking at the proposal. He further stated one of the things that was agreed upon was to modify the median on 91st Street so that vehicles can use 91st Street to get in and out of the site. The connection to the Ice Den exists through the parking lot and he is not sure that they can tell people not to use it. He reported his experience with private schools is that they can direct parents to use 91st Street.

VICE CHAIRMAN STEINBERG MOVED TO FORWARD CASE 11-UP-2003 TO THE CITY COUNCIL WITH A RECOMMENDATION FOR APPROVAL SUBJECT TO IT MEETS THE USE PERMIT CRITERIA.

MR. JONES stated Stipulation No. 8 requires the applicant to reach an agreement with the Ice Den. He suggested they modify Stipulation No. 8 to stress the pick up and drop off plan does not utilize that cross access.

VICE CHAIRMAN STEINBERG AMENDED THE MOTION TO MODIFY STIPULATION NO. 8 TO STRESS THE PICK UP AND DROP OFF PLAN DOES NOT UTILIZE THAT CROSS ACCESS.

SECOND BY COMMISSIONER SCHWARTZ.

THE MOTION PASSED BY A VOTE OF FIVE (5) TO ZERO (0).

7-UP-2003 (Desert Vista Church) request by GDA Southwest, applicant, Desert Vista Church, owner, for a conditional use permit for a Private/Charter school on a 7.5 +/- acre parcel located at 18201 N 94th Street with Single Family Residential, Environmentally Sensitive Lands (R1-35 ESL) zoning.

MR. CURTIS presented this case as per the project coordination packet. Staff recommends approval, subject to the attached stipulations.

TOBY ROGERS, applicant, stated he would like to address the architectural issues. All the doors in the school area have been turned to allow the opportunity to enter the classroom internally so they are away from the residential area. They have tried to set the building back as far as they could from 94th Street. They wanted it in close proximity to the church because the church would be using the classrooms on Sundays. The outdoor space faces the McDowell Mountains and is screened on three sides. He reported they have looked at the traffic study that was prepared and have added an extra driveway to help expedite some of the traffic during the school drop off period. He further reported there would not be any busing of students. The majorities of students would carpool or are dropped off by their parents. They estimate that between 25 to 30

percent of the students may have their own cars. He noted the architecture of the buildings is very compatible with the DC Ranch buildings.

TODD ANDERSON stated he is the Pastor of Desert Vista Church. He further stated through the City process, they have received a couple of objections from a few of the neighbors in Ironwood Village. He reported they have done an equitable job to answer their objections. He further reported on the neighborhood outreach that occurred. He discussed how they addressed the residents concerns. He noted the residents did not have any problems with the school in the area. The main problem was with what kind of student would be attending this school. The school would be enrolled with the kids that live in that area. He further noted they have worked diligently to try and respond to neighbors concerns. He read a letter of support from one of the Board of Directors from Ironwood Village.

CHAIRMAN GULINO inquired if this was a use permit from the school only. Mr. Jones replied in the affirmative noting that the church does not require a use permit.

VICE CHAIRMAN STEINBERG stated a lot of the concerns from the neighbors seem to hinge on this being a charter school attracting a certain type of student. He requested the Leona group discuss the type of student they hope to attract.

GREG ZIMMERMAN, Leona Group Charter School, stated the curriculum will be customized for the demographics in the area. He further stated the Leona School is not specially designed for any particular curriculum for over achievers or at risk students. This school will form the curriculum for the students in the area. He reported this would be a relatively small campus and will consist of the local community.

VICE CHAIRMAN STEINBERG inquired about the construction process, if the school would be build first and the church second. Mr. Anderson stated they would be built simultaneously.

Vice Chairman Steinberg inquired if they would submit their design to the DC Ranch Design Review Committee. Mr. Anderson stated they did not have to because it is privately owned land, however, because of their desire to be a part of the community they have met with them to create a facility that would match the context of DC Ranch.

COMMISSIONER NELSEN stated his question deals with the interface between the multi-purpose path, the public path, and how it interfaces with the school. He inquired if they have made a provisions for security both for keeping undesirable elements from the public out of their school and from having students having improper interaction in the neighborhoods. Mr. Zimmerman stated their policy is to have a closed campus.

CHAIRMAN GULINO inquired if this facility would be operating year round. Mr. Zimmerman replied they would be open year round. Chairman Gulino stated the 8 o'clock start time is kind of late during the summer months and they might want to have the opportunity to have a 7 o'clock start time in the summer months.

(CHAIRMAN GULINO OPENED PUBLIC TESTIMONY.)

NICK LUONGO, 9542 E. Rockwood Drive, stated he is a resident of Ironwood Village and his house is approximately a quarter of a mile from the proposed church and school. He further stated he has tried to get concrete answers in writing to his concerns and has not been satisfied with the answers. He stated he would like the following questions answered:

How many Ironwood residents did the church and the Leona Group speak to personally about their plans, what were their names?

Will Leona Group put in writing what type of students they plan on teaching?

Will Leona Group put in writing that the college prep plan will not change over their 10-year lease agreement?

Will Leona Group provide a written curriculum plan prior to requesting use permit approval?

Provide enforcement language between the school and the Leona group to ensure their community will be protected against bad behavior.

Request the City provide information on how many of the projected daily trips will flow through their neighborhood once 94th Street is open to Bell Road.

What practical guidelines can be established to ensure their park does not become a hangout for these high school students.

He remarked he would like answers to all of these questions. He further remarked the answers he has received have been vague.

(CHAIRMAN GULINO CLOSED PUBLIC TESTIMONY.)

MR. ANDERSON stated the same questions have been brought up and he felt he has done an equitable job in answering those questions. He further stated he was unaware he had been vague. He felt they have been concrete in describing what type of school this will be. He reviewed the outreach process that occurred. He noted he has been instructed by his legal counsel to not allow Mr. Luongo to look at their lease. He further noted the school will consist of students from the community. He remarked they would provide in writing what type of enforcement they will have regarding enforcement at the park. He remarked the issues have been addressed.

COMMISSIONER NELSEN stated on Page 5 of their packet Item J read: "All buildings will be designed to be compatible with the surrounding residential neighborhood. The Development Review Board will approve all building elevations". He further stated the architecture in DC Ranch is entirely different than the architecture in Ironwood Village. He noted some of the earlier buildings in Ironwood Village are less sensitive to the environment. He further noted he felt it should emphasized that the architecture is sensitive to the environment. Mr. Rogers stated they have yet to go through the DR process. He discussed the initial design noting it is more compatible to the DC Ranch style than the Ironwood Village style.

CHAIRMAN GULINO stated he felt it would be helpful to reopen public testimony to allow Mr. Pomeroy an opportunity to speak because of his position on the Board of Directors for Ironwood Village.

(CHAIRMAN GULINO OPENED PUBLIC TESTIMONY.)

EDWARD POMEROY stated the Ironwood Board of Directors did review this proposal and determined it would not have any negative impacts to their community. He further stated the community was notified within a 700-foot range.

(CHAIRMAN GULINO CLOSED PUBLIC TESTIMONY.)

CHAIRMAN GULINO stated regarding the traffic and transportation impacts, 94th Street and Union Hills would be constructed within the next 12 months. Mr. Zimmerman replied in the affirmative.

Chairman Gulino stated the applicant may want to change Stipulation No. 3 for the hours of operation to be changed to 7:00 a.m. to 8:00 p.m.

VICE CHAIRMAN STEINBERG MOVED TO FORWARD CASE 7-UP-2003 TO THE CITY COUNCIL WITH A RECOMMENDATION FOR APPROVAL SUBJECT TO IT MEETS THE USE PERMIT CRITERIA AND WITH A CHANGE TO STIPULATION NO. 3 THAT THE HOURS OF OPERATION BE CHANGED TO 7:00 A.M. TO 8:00 P.M. NO OUTDOOR OPERATIONS SHALL BE PERMITTED PRIOR TO 7:00 A.M. OR AFTER 8:00 P.M.

SECOND BY COMMISSIONER BARNETT.

THE MOTION PASSED BY A VOTE OF FIVE (5) TO ZERO (0).

Discussion of Planning Commission's correspondence to the City Council regarding the 5th Avenue Parking (4-UP-2003).

CHAIRMAN GULINO stated the purpose of this item is to discuss the correspondence from the Planning Commission to the City Council regarding the 5th Avenue Parking. He further stated they do have some citizen comment cards on this item. He noted they are here to discuss a memo they felt would be helpful to pass on to the City Council because the case was more convoluted than they had anticipated it to be. He further noted they have a draft memo from staff and they have response from the commissioners. Due to the type of response, they have received from the commissioners he felt it might be more affective if they pass their comments directly on to the City Council rather than through the proposed memorandum.

MR. JONES provided information regarding how the draft memorandum would look in the staff report to the City Council. He noted it may be beneficial if the commissioners were to attend the City Council meeting and speak rather than trying to capture their thoughts in a memo.

CHAIRMAN GULINO stated the Commission needs to determine the most effective way to get their message across to the City Council. He requested the commissioners' provide their initial thoughts on where they stand with the memo.

COMMISSIONER BARNETT stated he felt their minutes speak for them. He further stated he did not think the draft memo would really be much more helpful. He reported that he had already sent an email with this comments and suggestions and he knows other commissioners' have as well. He further reported he appreciated the efforts that went into this draft memo. However, he does not think it adds to their comments. He reported he would suggest they don't use the draft memo and each one of the commissioners make a presentation to City Council if necessary regarding their strong feelings of what they want to see done.

COMMISSIONER SCHWARTZ stated he would concur that the best message they can send is the message they have already sent. He further stated the minutes, the motion and the amount of time they have spent on this issue allows the City Council to see how passionate they are about the decision they have made. He remarked he would recommend that as individuals they send their comments to the City Council.

COMMISSIONER NELSEN stated he would concur. He further stated it is obvious the task has been how to incorporate a badly needed parking facility, and still allow for the highest and best use of the property. It is a challenge with the limited amount of space in the downtown and trying to meet the wants and desires of a variety of citizens' opinions. He further stated he felt the consensus was that the plain box-parking garage is not what this Commission approved. There are some issues with height and as this goes forward to the City Council they will all be letting them know their opinions as far as details.

VICE CHAIRMAN STEINBERG inquired when is this issue scheduled to go before the City Council. Mr. Jones stated it is tentatively scheduled for the August hearing.

Vice Chairman Steinberg stated he felt there were a few things missing from the draft memo. One is that there is no mention of affordable housing. There should be a provision for city incentives to try and offset development costs for this small in fill project. He remarked that rezoning is a must so they can get the 50 feet in height. He further remarked he has come to the realization after talking with some of the people in the town that two levels below grade is more in fitting with the Scottsdale lifestyle. He noted he was a proponent of four levels below but has changed his mind to make more of compromise for the lifestyle here with two levels below, one level at grade for parking, perhaps a level above and then the rest residential with no retail. He noted he felt that would be a good utilization of this site.

Vice Chairman Steinberg stated he has spoken with some developers about the costs of this small in fill project and the costs would be excessive unless there was a private public partnership where they could work with the City to use some incentives. He further stated that would be a discussion for another time.

Vice Chairman Steinberg stated the 50 feet in height would be the maximum because they can't go any higher with wood construction. He further stated a lot of builders would like to do this project in a wood frame construction.

(CHAIRMAN GULINO OPENED PUBLIC TESTIMONY.)

CHARLES POSTON, 8550 E. Bonita Drive, stated he would like to speak strictly about the aesthetics of the garage. He further stated this project is in the downtown and by definition is a low-rise community. Putting the garage above ground is a terrible visual pollution in the City. He remarked they cannot afford not to do this structure the right way. The City of Scottsdale is spending a lot of money to beautify the canal and improving the downtown and by putting the parking structure above ground is counter productive. He would suggest they build the entire garage underground with restroom facilities and open space on the top.

SAM WEST, 8160 N. Hayden, stated he served on the Downtown Task Force and on TOPS. He further stated he has spent many years working on the issues in the downtown. He remarked the day after the last Planning Commission meeting his phone was ringing off of the hook with people concerned about the increase in height that was placed in the motion. He further remarked he would encourage the Commission to rethink the 50-foot height because 36 feet is generally exists in this area. He commented regardless of how many stories of parking is being proposed they should all be below grade. The land is too valuable to be putting a parking garage on it. He further commented on the importance of having open space in the downtown. He discussed the importance of the perception of this area to their visitors.

CHAIRMAN GULINO reminded the citizens that they are not making another recommendation this evening. Their goal is to come to some sort of concurrence regarding the draft memo from the Planning Commission to the City Council regarding the 5th Avenue parking.

SUSAN WHEELER, 9616 E. Kalil, stated she served on the Downtown Task Force and it took them a long time to come to a consensus so she knows why there is confusion and not a consensus on what they want to send to the City Council. The consensus of the Task Force was that parking is needed in this area. She further stated she watched the end of the last Planning Commission meeting and she could not believe they were talking about putting buildings on top of the parking garage. The ultimate best would be to have the parking underground and have a park on top so the businesses could turn out to it. She remarked the City is trying to encourage property owners to build on top of their properties to go up to the 36 feet for residential. If they put residential on top of this garage, they would be competing with the property owners who are thinking of doing the very same thing. Also, several residential units are already being planned for this area. She stated the main thing the Task Force learned that garages are aesthetically ugly so this has to be done with great taste. If they put residential on top of this with the bars and restaurants, it will cause problems. She commented on the importance of having parking that is low scale. She further stated the Task Force spent nine months studying this and they never wanted it to go up to 50 feet.

CHAIRMAN GULINO stated he would encourage these citizens to attend the City Council meeting and let their feelings be known.

LOIS FITCH, 1229 N. Granite Reef Road, stated she served on the Downtown Task Force. She further stated it has been a constant battle to keep the image and character of the downtown. She remarked they do not want to see increase in heights in the downtown.

(CHAIRMAN GULINO CLOSED PUBLIC TESTIMONY.)

COMMISSIONER NELSEN expressed his concern that the recommendations regarding the need for open space from the Downtown Task Force was not stressed in their packets. He stated the reason is that a number of years ago it was determined that Scottsdale Road should be treated as a linear park. It is missing from Los Arcos. It is missing from the canals. The downtown Task Force has recommended that just off of Scottsdale Road and there is no follow through. He concluded that disturbed him.

VICE CHAIRMAN STEINBERG stated concerning height if they can put all two levels of parking below grade and treats the grade level as a podium for a nice residential street. Perhaps a row of brownstones 36th feet in height with some open space would be a win/win and he would support such a move. He reported when he mentioned the 50 feet in his mind he was thinking of a building that stepped very sensitively from 5th Avenue where it is low two story context that stepped up to 3rd Avenue where the buildings in the surrounding area are somewhat higher and it could be done very sensitively with balconies and preservation of view corridors. He reiterated that he would like to see two levels below grade and street level affordable housing. He noted the residential that is planned in the area is not affordable.

CHAIRMAN GULINO stated at this point it is his understanding that the consensus of the Commission is that they not forward the draft memo from the Commission and instead each commissioner individually forward his comments to the City Council.

WRITTEN COMMUNICATION

There was no written communication.

ADJOURNMENT

With no further business to discuss, the regular meeting of the Scottsdale Planning Commission was adjourned at 6:55 p.m.

Respectfully Submitted,

"For the Record " Court Reporters